

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: SITAGLIPTIN PATENT LITIGATION	MDL No. 19-2902-RGA
MERCK SHARP & DOHME CORP., <i>Plaintiff,</i> v. ALVOGEN PINE BROOK LLC F/K/A ALVOGEN PINE BROOK, INC., and ALVOGEN MALTA OPERATIONS LTD., <i>Defendants.</i>	C.A. No. 19-310-RGA

CONSENT JUDGMENT

Merck Sharp & Dohme Corp. (hereinafter “Merck”), and Alvogen Pine Brook, LLC and Alvogen Malta Operations Ltd. (hereinafter collectively “Alvogen”), the parties in the above-captioned action, have agreed to terms and conditions representing a negotiated settlement of the action and have set forth those terms and conditions in a Settlement Agreement (the “Settlement Agreement”). Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this 16 day of July, 2020:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above actions and has personal jurisdiction over the parties.

2. As used in this Consent Judgment, (i) the term “Alvogen Product” shall mean the drug product sold, offered for sale or distributed pursuant to Abbreviated New Drug

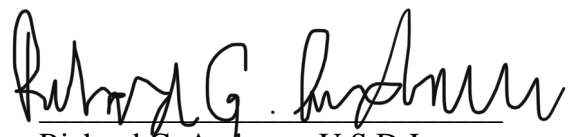
Application No. 205341 (and defined in greater detail in the Settlement Agreement); (ii) the term “Licensed Patent” shall mean United States Patent Number 7,326,708; and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Alvogen; for purposes of this definition, “control” means (a) ownership, directly or through one or more intermediaries, of (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership, or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized pursuant to the Settlement Agreement, Alvogen, including any of its Affiliates, successors and assigns, is enjoined from infringing the Licensed Patent, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the Alvogen Product.

4. Compliance with this Consent Judgment may be enforced by Merck and its successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed with prejudice and without costs, disbursements or attorneys’ fees to any party.


Richard G. Andrews, U.S.D.J.

We hereby consent to the form and entry of this Order:

MCCARTER & ENGLISH, LLP

/s/ Daniel M. Silver

Michael P. Kelly (#2295)
Daniel M. Silver (#4758)
Alexandra M. Joyce (#6423)
Renaissance Centre
405 N. King Street, 8th Floor
Wilmington, Delaware 19801
(302) 984-6300
mkelly@mccarter.com
dsilver@mccarter.com
ajoyce@mccarter.com

OF COUNSEL:

Bruce R. Genderson
Jessamyn S. Berniker
Stanley E. Fisher
Alexander S. Zolan
Elise M. Baumgarten
Shaun P. Mahaffy
Anthony H. Sheh
Jingyuan Luo
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, DC 20005
T: (202) 434-5000
F: (202) 434-5029
bgenderson@wc.com
jberniker@wc.com
sfisher@wc.com
azolan@wc.com
ebaumgarten.com
smahaffy@wc.com
asheh@wc.com
jluo@wc.com

*Attorneys for Plaintiff
Merck Sharp & Dohme Corp.*

RICHARDS, LAYTON & FINGER, PA

/s/ Renée Mosley Delcollo

Kelly E. Farnan (#4395)
Renée Mosley Delcollo (#6442)
One Rodney Square
920 N. King Street
Wilmington, DE 19801
(302) 651-7700
farnan@rlf.com
delcollo@rlf.com

OF COUNSEL:

Matthew J. Becker
AXINN, VELTROP & HARKRIDER LLP
90 State House Square
Hartford, CT 06103
(860) 275-8100

Brett M. Garrison
AXINN, VELTROP & HARKRIDER LLP
950 F Street, NW
7th Floor
Washington, DC 20004
(202) 912-4700

Attorneys for Alvogen